

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKCOSTA *et al.*,

Plaintiff,

-against-

DEKLEINE AND MORGAN FUNDING CORP, *et al.*,

Defendants.

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08 Civ. 4915 (SCR)

**ORDER**

STEPHEN C. ROBINSON, U.S. District Judge:

In response to a claim filed by Plaintiff/Third-Party Defendant IndyMac Bank, Third-Party Plaintiffs Vito and Marion Costa filed this action in the Supreme Court of the State of New York, County of Westchester in April 2008, alleging violations of the federal Truth in Lending Act, breach of contract, negligence, fraud, legal malpractice, and other violations of state and federal law. Third-Party Defendants Bressler-Duyk, Mark Bressler, and David Bressler (collectively, the "Bressler Third-Party Defendants") filed a notice of removal pursuant to 28 U.S.C. §1446. According to the parties, this case is related to several mortgage fraud cases currently pending in the United States District Court for the District of New Jersey with the same legal issues and factual allegations. In a letter dated June 16, 2008, the Third-Party Plaintiffs requested that the instant action be transferred to the District of New Jersey. Counsel for the Third-Party Defendants agreed to have the matter transferred should this Court be inclined to do so.

This Court agrees with the parties that it is in the interest of justice that this case be transferred to the United States District Court for the District of New Jersey for further proceedings. The United States District Court for the District of New Jersey is a court in which this action could have originally been filed.

## IT IS HEREBY ORDERED THAT:

1. This case is TRANSFERRED to the District of New Jersey for all further proceedings.

The Clerk of the Court of the Southern District of New York is directed to close this case.

Dated: September 3, 2008  
White Plains, New York

  
Stephen C. Robinson  
United States District Judge